

1 Names of counsel listed on next page  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 TV INTERACTIVE DATA CORPORATION,  
12 a California corporation,

13 Plaintiff,

14 vs.

15 FUJITSU LIMITED, FUJITSU COMPUTER  
16 PRODUCTS OF AMERICA, INC., FUJITSU  
17 COMPUTER SYSTEMS CORPORATION,  
18 HEWLETT-PACKARD COMPANY,  
19 INTERNATIONAL BUSINESS MACHINES  
20 CORPORATION, DELL INC., TOSHIBA  
21 CORPORATION, TOSHIBA AMERICA,  
INC., TOSHIBA AMERICA  
INFORMATION SYSTEMS, INC.,  
GATEWAY, INC., NEC CORPORATION,  
NEC USA, INC., NEC SOLUTIONS  
(AMERICA), INC., SONY CORPORATION,  
SONY CORPORATION OF AMERICA, and  
SONY ELECTRONICS INC.,

22 Defendants.  
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CASE NO. C04-03367 JSW  
(Related Case No. C02-02385 JSW)

**STIPULATION FOR DISMISSAL WITH  
PREJUDICE AND ~~(PROPOSED)~~ ORDER  
THEREON**

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 17 INC., TOSHIBA CORPORATION, TOSHIBA  
 AMERICA, INC., TOSHIBA AMERICA  
 18 INFORMATION SYSTEMS, INC., GATEWAY,  
 INC., NEC CORPORATION, NEC USA, INC.,  
 19 NEC SOLUTIONS (AMERICA), INC., SONY  
 CORPORATION, SONY CORPORATION OF  
 20 AMERICA, and SONY ELECTRONICS INC.

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 MACHINES CORPORATION  
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1 WHEREAS on May 16, 2002, Plaintiff TV Interactive Data Corporation ("TVI") brought a  
 2 patent infringement action against Microsoft styled TV Interactive Data Corporation v. Microsoft  
 3 Corporation, Case No. C02-02385 JSW (the "Related Case");

4 WHEREAS on August 17, 2004, TVI brought this patent infringement action (the "OEM  
 5 Action") against Defendants Fujitsu Limited, Fujitsu Computer Products of America, Inc., Fujitsu  
 6 Computer Systems Corporation, Hewlett-Packard Company, International Business Machines  
 7 Corporation, Dell Inc., Toshiba Corporation, Toshiba America, Inc., Toshiba America Information  
 8 Systems, Inc., Gateway, Inc., NEC Corporation, NEC USA, Inc., NEC Solutions (America), Inc.,  
 9 Sony Corporation, Sony Corporation of America, and Sony Electronics Inc. (the "OEM  
 10 Defendants"), alleging that the OEM Defendants infringe four TVI patents "by making, using,  
 11 selling, offering to sell, supplying, and/or causing to be supplied, personal computers pre-installed  
 12 with a version of the Windows™ operating system software";

13 WHEREAS TVI and Microsoft settled the Related Case on October 7, 2005;

14 WHEREAS TVI and Microsoft have shared the Confidential Settlement and License  
 15 Agreements dated October 28, 2005 with the OEM Defendants' designated outside counsel  
 16 pursuant to the February 10, 2006 confidentiality agreement;

17 WHEREAS TVI and the OEM Defendants agree that this dismissal does not grant the  
 18 OEM Defendants rights to make, use, offer to sell, sell, import, or otherwise practice the asserted  
 19 TVI patents beyond those rights conferred by the Confidential Settlement and License Agreements  
 20 dated October 28, 2005 between TVI and Microsoft; and

21 WHEREAS, in light of the settlement of the Related Case, TVI and the OEM Defendants  
 22 have agreed to dismiss with prejudice all claims and counterclaims in the OEM Action;

23 TVI and the OEM Defendants hereby stipulate as follows:


24 1. TVI and the OEM Defendants hereby agree to dismiss with prejudice this action,  
 25 with each party to bear its own litigation costs, attorneys' fees, and other expenses arising from or  
 26 related to this litigation.

27 **SO STIPULATED.**

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1  
2 DATED: 2/15/06

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

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4 By:   
Ronald J. Schutz  
Richard M. Martinez

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6 Attorneys for Plaintiff  
TV INTERACTIVE DATA CORPORATION

7  
8 DATED: 2/15/06

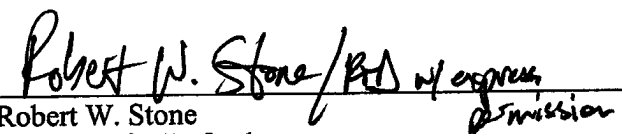
PRESTON GATES & ELLIS LLP

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COMPUTER SYSTEMS CORPORATION,  
14 HEWLETT-PACKARD COMPANY, DELL INC.,  
TOSHIBA CORPORATION, TOSHIBA AMERICA,  
15 INC., TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC., GATEWAY, INC., NEC  
16 CORPORATION, NEC USA, INC., NEC  
SOLUTIONS (AMERICA), INC., SONY  
17 CORPORATION, SONY CORPORATION OF  
AMERICA, and SONY ELECTRONICS INC.

18  
19  
20 DATED: 2/15/06

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HEDGES, LLP

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22 By:  / PLS w/ express permission  
Robert W. Stone  
23 Attorneys for Defendant  
INTERNATIONAL BUSINESS  
24 MACHINES CORPORATION

**PROPOSED ORDER**

Pursuant to the parties' stipulation, the Court **HEREBY DISMISSES WITH PREJUDICE** the above-entitled action, with each party to bear its own attorneys' fees and costs.

**IT IS SO ORDERED.**

DATED: February 16, 2006

  
\_\_\_\_\_  
Honorable Jeffrey S. White  
United States District Judge